

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES	)	19-369
	)	
v.	)	
	)	
LAFON ELLIS	)	

**MEMORANDUM ORDER**

In this action, Defendant has been charged with one Count of felon in possession in violation of 18 U.S.C. § 922(g)(1). In April of 2020, Defendant requested and was granted a sealed, ex parte subpoena issued to the Allegheny County District Attorney’s Office (the “DA”) [29, 32]. On June 24, 2020, the DA filed sealed Motions to Unseal and to Quash the subpoena [52, 53]. By Order dated October 8, 2020 (the “October 8 Order”), this Court disposed of the DA’s Motion, in part, and held in abeyance the aspects of the Motion addressing the quashal of Paragraphs 1 and 3-5 of the subpoena, pending additional submission by the Government and DA. The October 8 Order provided, in pertinent part, as follows:

[T]he Government and the DA will be provided the opportunity to advise the Court and Defendant regarding whether the DA is in possession of documents, covered by Paragraphs 1 and 3-5 of the subpoena not otherwise excluded from production by today’s Order, which have not been collected by the Government. The Government and the DA shall jointly apprise the Court as such within ten days of the date of this Order. If the Government is in possession of the pertinent materials, then it is assumed that those materials are subject to the Government’s usual disclosure obligations. If so, there is no reason to believe that those obligations would be either inadequate or disregarded. Further, if the materials are in the Government’s possession, then they are available from a source other than the DA.

On October 19, 2020, the Government filed a Notice stating that on October 15, 2020, it met with the DA [113]. At that meeting, the DA “provided the government with all documents not privileged or otherwise excluded from production in its file of Commonwealth of Pennsylvania v. Lafon Ellis, OTN No. G816773-6.” The Government further submits that it will

provide a copy of the materials to the defense. Thus, non-privileged and otherwise unprotected documents previously sought by subpoena are now subject to the Government's discovery and disclosure obligations, and are available from a source other than the DA. In addition, there is no suggestion that the Government's obligations will be either inadequate or disregarded.

For these reasons, the remainder of the DA's Motion to Quash is GRANTED, and the subpoena issued to the DA is quashed in its entirety. AND NOW, this 22nd day of October, 2020, IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, reading "Donetta W. Ambrose".

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Donetta W. Ambrose  
Senior Judge, U.S. District Court